



Docket No. 073785.0013

PATENT

DAC  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 33401  
: :  
C. Earl WOOLFORK : Confirmation Number: 3337  
: :  
Application No.: 10/648,012 : Group Art Unit: 2644  
: :  
Filed: August 26, 2003 : Examiner: Graham, Andrew  
: :  
For: WIRELESS DIGITAL AUDIO SYSTEM

PETITION FOR UNINTENTIONALLY DELAYED CLAIM FOR § 120 PRIORITY  
UNDER 37 C.F.R. § 1.78(a)(3)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests acceptance of the revised priority claim in the above identified application.

U.S. Application No. 10/648,012 (hereinafter '012 application), filed on or about August 26, 2003, was filed as an utility application pursuant to 37 C.F.R. 1.53(b). As evident from the transmittal sheet (Exhibit A) submitted at the time the '012 application was filed, Applicant identified the '012 application as a continuation-in-part for U.S. Application No. 10/027,391 (hereinafter '391 application) filed on December 21, 2001.

However, in the continuation-in-part application dated August 25, 2003, which was the subject of the transmittal sheet, the priority claim provided the incorrect serial no. (Exhibit B) which inadvertently identified the '012 application as a continuation-in-part of serial no. 10/027,739, rather than a continuation-in-part of the '391 application. Accordingly, the '391 application was not correctly identified in the specification as a prior U.S. application with benefit claimed

09/01/2005 TBESHAN1\00000013\501946-0110648012 Adjustment date: 11/10/2005 AKELLEY  
09/01/2005 HBERHE 00000098 501946 10648012  
01 FC:1454 1370.00 DA 01 FC:1454 1370.00 CR  
LAS99 1417278-1.073785.0013

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>11/8/05</u>		2 Serial/Patent # <u>10/648, 012</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition		8/31/05	\$ 1370							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
			7 TOTAL AMOUNT OF REFUND	\$ 1370							
10 REASON:		8 TO BE REFUNDED BY:									
	Overpayment	<input type="checkbox"/> Treasury Check									
<input checked="" type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td style="width: 20px;">5</td><td style="width: 20px;">0</td><td style="width: 20px;">--</td><td style="width: 20px;">1</td><td style="width: 20px;">9</td><td style="width: 20px;">4</td><td style="width: 20px;">6</td></tr></table>			5	0	--	1	9	4	6
5	0	--	1	9	4	6					
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Ed. Tamm</u>		TITLE: <u>Rel. Atty</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>23228</u>									
OFFICE: <u>4700</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>11/10/05</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: